

Message Text

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PAGE 01 MOSCOW 12714 120801Z

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SUBJ: NEW SOVIET STATUTE FOR THE PROTECTION OF CITIZEN'S
RIGHTS WHEN SUSPECTED OF CRIME

1. SUMMARY. A NEW SOVIET STATUTE "ON THE TEMPORARY DETENTION
OF PERSONS SUSPECTED OF HAVING COMMITTED A CRIME" HAS THE
LEGALITY OF PROCEDURES CONNECTED WITH THE TEMPORARY DETENTION
OF SUSPECTS. END SUMMARY.

2. THE LATEST ISSUE OF VEDOMOSTI VERKHOVNOGO SOVETA SSR (NO. 29)
CONTAINS THE TEXT OF A STATUTE (POLOZHENIYE) ENTITLED "STATUTE
ON THE TEMPORARY DETENTION OF PERSONS SUSPECTED OF HAVING
COMMITTED A CRIME," ISSUED AS AN UKAZ OF THE USSR SUPREME
SOVIET PRESIDUM DATED JULY 13 AND SCHEDULED TO GO INTO
FORCE ON JAN 1, 1977.

3. ARTICLE ONE OF THE STATUTE STATES THAT ITS PURPOSE IS TO
"INSURE THE RIGHTS OF CITIZENS AND TO FACILITATE THE OBSERVANCE
OF LEGALITY" DURING THE TEMPORARY DETENTION OF PERSONS SUSPECTED
OF CRIME. THE VARIOUS ARTICLES (18 IN ALL) DEAL WITH PROCEDURES
OF DETENTION, THE RIGHTS OF DETAINEES, OBLIGATIONS OF AUTH-
ORITIES IN DISPOSING THE CASE, CONDITIONS OF DETENTION,
AND RESPONSIBILITIES OF THE PUBLIC PROSECUTOR IN ENFORCING

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PAGE 02 MOSCOW 12714 120801Z

AND OBSERVING THE STATUTE.

4. HIGHLIGHTS OF THE PROCEDURES AND REQUIREMENTS OF THE STATUTE INCLUDE THE FOLLOWING:

DETENTION FOR CAUSE. PERSONS MAY BE DETAINED ONLY IF APPREHENDED IN COMMISSION OF CRIME, ON ACCUSATION OF WITNESS, OR ON PRESENTATION OF REASONABLE EVIDENCE;

TIME LIMITS. WITHIN 24 HOURS AFTER APPREHENDING A SUSPECT, DETAINING AUTHORITIES MUST SUBMIT A WRITTEN STATEMENT OF THE CIRCUMSTANCES OF THE ARREST TO A PUBLIC PROSECUTOR; WITHIN 48 HOURS OF RECEIVING SUCH A STATEMENT, THE LATTER MUST APPROVE FURTHER DETENTION OR ORDER TO THE RELEASE OF THE SUSPECT;

FOREIGN CITIZENS. "THE LEGAL STATUS OF FOREIGN CITIZENS OR PERSONS WITHOUT CITIZENSHIP, DETAINED ON SUSPICION OF COMMISSION OF A CRIME, IS DETERMINED BY THE PRESENT STATUTE, BY OTHER LEGISLATIVE ACTS OF THE USSR PERTAINING TO THE RIGHTS AND OBLIGATIONS OF SUCH PERSONS DURING THEIR PRESENCE ON THE TERRITORY OF THE USSR, AS WELL AS BY INTERNATIONAL AGREEMENTS OF THE USSR WITH OTHER STATES."

RIGHTS OF DETAINEES. TO BE INFORMED OF REASONS FOR DETENTION; TO DEMAND THAT ALL ACTIONS TAKEN BY THE AUTHORITIES ARE IN ACCORDANCE WITH THE LAW; TO SUBMIT COMPLAINTS; TO KEEP PERSONAL CLOTHING AND MINOR PERSONAL ARTICLES; TO BE INFORMED OF THEIR RIGHTS AND OBLIGATIONS; TO RECEIVE ADEQUATE MEDICAL CARE, FOOD, AND SHELTER; TO MEET WITH RELATIVES OR OTHER PERSON "ONLY UPON WRITTEN PERMISSION OF THE INVESTIGATOR," FOR A PERIOD "NOT IN EXCESS OF ONE HOUR."

FURTHER DETENTION. IF THE PUBLIC PROSECUTOR CHOOSES TO APPLY THE STATUTE ON PRELIMINARY DETENTION (I.E., TO CONTINUE THE SUSPECT'S DETENTION UNDER THE NEXT APPLICABLE STATUTE), THE DETAINEE HAS THE RIGHT UNDER THE NEW STATUTE TO RETAIN IN HIS PERSONAL POSSESSION DOCUMENTS AND NOTES RELATING TO HIS CASE, AND TO MEET PRIVATELY WITH HIS DEFENSE ATTORNEY, AS SOON AS SUCH AN ATTORNEY RECEIVES PERMISSION TO ENTER THE CASE.

5. COMMENT. DESPITE A SEARCH OF AVAILABLE LEGAL CODES, WE HAVE LIMITED OFFICIAL USE

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PAGE 03 MOSCOW 12714 120801Z

NOT FOUND EARLIER COMPARABLE LEGISLATION PERTAINING TO THE TEMPORARY DETENTION OF SUSPECTS, AND WE ARE THEREFORE UNABLE TO DETERMINE EXTENT TO WHICH THE NEW STATUTE DEPARTS FROM PREVIOUS PRACTICES IN SAFEGUARDING RIGHTS OF SOVIET CITIZENS. WE WILL SEEK UNOFFICIAL VIEWS, ESPECIALLY OF DISSIDENTS, MOST OF WHOM ARE EXPERIENCED GUARDHOUSE LAWYERS.
STOESSEL

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